

## APPENDIX C

### ANNOTATIONS ON PROPOSED THE HILLS RESORT ZONE – PROVISIONS

The base document is Mr Langman's rebuttal evidence Appendix C, and includes his comments on the HRZ provisions in the right hand column, in black font.

THL's responses and suggested edits are in blue font. These edits also take account of and endeavour to address the issues raised by the Panel at the hearing on 18 July. Note – the edits are yet to be reviewed and confirmed by THL's planning witness Mr Brown. Accordingly, a further revised set of HRZ provisions may be presented by Mr Brown when he gives evidence next week (on 25 July). Mr Brown will also present an evaluation of the changes at this time

Changes have been made to this text in conjunction with Mr Brown and are shown in Red.

44	<p align="center"><b>The Hills Resort Zone</b></p>	
44.1	<p><b>Resort Zone Purpose</b></p> <p>The purpose of the Zone is to enable high quality resort facilities. The Zone provides for outdoor recreation, including two golf courses (one being an 18-hole championship golf course), visitor accommodation and residential activities, a small commercial area and sculpture park, which all complement the amenities of the golf courses. A small area of staff accommodation is also provided.</p> <p>A Structure Plan applies to the Zone, as well as standards for buildings and landscaping to ensure that the development is appropriately located and well integrated with the golf course and the local and wider landscape setting.</p> <p>The Zone provides for development in appropriate areas and will be landscaped to mitigate the adverse effects of built form.</p> <p>The Zone can also play host to national and international golfing events that showcase the District and contribute to the economy.</p>	<p>No changes have been made to the requested chapter text, which is derived from Mr Jeffery Brown's evidence dated 13 June 2018. Any mark-up and strike through is based on the submitters evidence.</p> <p>The provisions have been converted from Adobe PDF to Microsoft Word, and there could be inconsistency with the formatting or characters. In the case of any differences, the version attached to Mr Brown's evidence is the correct version.</p> <p>Any references to plans or provisions being included in the District Plan are on the basis the Panel accept in part or all the rezoning. My overall recommendation is to reject the submission as set out in my Rebuttal Evidence.</p> <p>My views/comments on the requested The Hills Resort Zone Chapter include:</p> <ul style="list-style-type: none"> <li>The policy framework provides for the activities but fails to provide sufficient direction for proposals that may not align with the Zone purpose, whether they be permitted activities but are of a scale and intensity or location that is outside what is contemplated, or for non-specified activities. <b>A new policy 44.2.1.9 has been added</b></li> <li>The policy and rules overall should reconcile the differences (if any) in terms of effects between staff/worker accommodation, including for their families and residential activity. <b>Disagree. Effects are similar for both activities. Providing for staff accommodation is positive given the lack of housing in Arrowtown. Site has been replaced with Zone to be consistent.</b></li> <li>Policy 44.2.1.5 only relates to effects on directly neighbouring properties. Effects could be wider depending on the nature and scale of helicopter flights and should also address residential buildings on separate sites within the zone. <b>This policy has</b></li> </ul>
44.2	<p><b>Objectives and Policies</b></p> <p><b>44.2.1 Objective - A resort style development containing residential, visitor accommodation, commercial and commercial recreation activities, an evolving sculpture park, and ancillary worker staff accommodation, within the context of a premier golf course, while managing the effects of development on the landscape and on amenity values of the <b>site Zone</b> and the surrounding environment.</b></p>	
	<p>44.2.1.1 Provide for the development, operation and maintenance of golf courses.</p> <p>44.2.1.2 Provide for visitor accommodation and residential activities, including staff accommodation within identified areas.</p> <p>44.2.1.3 Provide for an evolving sculpture park.</p> <p>44.2.1.4 Provide for large scale golf-related temporary events that contribute to the District's economy provided that effects are appropriately managed.</p> <p>44.2.1.5 Provide for the take-off and landing of helicopters while ensuring that adverse <u>amenity</u> effects are <u>avoided or</u></p>	

	<p><u>mitigated</u>. <del>on-neighbours' amenity are mitigated</del>  Provide for commercial activities within the Clubhouse Activity Area that are related to the purpose of the Zone.  Avoid other commercial, industrial and <del>similar</del> <u>business</u> activities that are not related to the purpose of the Zone.</p> <p>44.2.1.6</p> <p>44.2.1.7</p> <p>44.2.1.8</p> <p>Require that all development be located in accordance with a Structure Plan so as to ensure that:</p> <p>(a) Development integrates with the golf courses; and  (b) Development is located only where the landform has potential to absorb development, and  (c) Any potential adverse effects on landscape and amenity values are avoided or appropriately mitigated.  (d) <u>Development is located where reverse sensitivities with any adjacent farming operations are avoided.</u></p> <p>44.2.1.9</p> <p><del>Avoid any development within Activity Area G that does not accord with the Structure Plan so as to maintain landscape and visual amenity values.</del>  <u>Maintain landscape and visual amenity values in Activity Area G by avoiding residential activities and built commercial development within the Activity Area.</u></p> <p>44.2.1.9</p> <p>Require the establishment of Landscape Amenity Management Areas (LAMA) to ensure that <del>mitigate</del> the potential adverse effects of buildings are avoided or <u>adequately mitigated</u> and to contribute to the enhancement of the amenity of the Zone.</p> <p>44.2.1.10</p> <p>Require planting within the Zone to enhance the amenity of the Zone and to integrate with and complement the character of the surrounding environment.</p> <p>44.2.1.11</p> <p>Ensure that the character of the Zone and the wider landscape is maintained by managing building height, coverage, external appearance, and landscaping.</p> <p>44.2.1.12</p> <p>Facilitate the provision of walkway and cycleway access</p>	<p>been amended to remove the emphasis on neighbours.</p> <ul style="list-style-type: none"> <li>• Policy 47.1.1.5 should identify the important natural features. The reference should not be to the site, but zone. This comment is not relevant the HRZ provisions and may be an error by the Council's planner when 'cutting and pasting' comments made in respect of other resort zones.</li> <li>• Policy 44.2.1.7 'similar' activities is not considered a sufficiently certain phrase given the avoid stance on this policy. The word 'similar' has been amended and a reference to 'business' activities included instead, which is a defined term in the Proposed Plan.</li> <li>• The policy framework is light on managing effects so as to maintain and enhance landscape values and visual amenity. Policy 44.2.1.9 has been included to address this. The wording of the new policy has been amended to ensure that not all development is excluded. The rules provide for the sculpture park and the golf course which is commercial recreation in this activity area and it would not be appropriate for these activities to be captured by the policy.</li> <li>• Policy 44.2.1.8(c) seems light in the context if activities are located outside the identified areas on the structure plan. Disagree when read in conjunction with 44.2.1.9 – activities that do not accord with the structure plan are strongly discouraged.</li> <li>• No policy assists with this test. It is unclear what this comment relates to.</li> <li>• Policy 44.2.1.8 (d) may be of limited assistance because the structure plan should have identified where sensitive activities are unlikely to be compatible with other activities. This policy may</li> </ul>
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through the Zone.

not be necessary if the structure plan is appropriate in the first instance. Not opposed to the deletion of (d) if the Panel considers it serves no purpose. It is noted however that the Structure Plan has been laid out to ensure development is setback from the HRZ boundaries so as to ensure reverse sensitivity effects on adjacent rural land do not arise.

- Policy 44.2.11 should specify the type of character i.e. landscape character. Disagree. The policy already addresses landscape character however its application is and should be wider than that, so as to also address the character of the development, as discussed by THL's witnesses at the hearing.

- The objective and policies do not seek to protect the open space values of the zone in the long term (for example by the use of protected covenants). New 44.2.1.9 does this, and development that does not accord with the structure plan is a non complying activity. Covenants are therefore not required.

- There are no policies that seek to avoid the effects of development on the wider Basin, except to the extent of managing appearance of buildings and landscaping. This makes the Zone vulnerable to future plan changes. Disagree that any additional policies are necessary. Any future plan changes to enable additional development within the zone will need to be assessed against the strategic chapters of the Proposed Plan which are intended to address the wider Basin and District.

- A gap analysis against the objectives and policies of Chapter 24 would be useful. For example, there are no policies related to earthworks. Disagree. There is

		<p>no presumption that Chapter 24 is appropriate and in any case, it relates to the WBRAZ and would not be relevant to the HRZ, in the same way as other zones in the Wakatipu Basin are not addressed by Chapter 24. Earthworks are addressed by the HRZ, therefore an earthworks policy perhaps should be included in the HRZ. Mr Brown will consider.</p> <ul style="list-style-type: none"> <li>• Having considered this further, an earthworks policy is not considered necessary as there is an entire Chapter (Chapter 25) which governs earthworks, and which will apply to the HRZ (except to the extent that earthworks volumes are expressly addressed by the HRZ rules).</li> </ul>
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### 44.3 Other Provisions and Rules

#### 44.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

Introduction	Definitions	Strategic Directions
Urban Development	Tangata Whenua	Landscapes
Signs (ODP)	Earthworks, <u>except as provided for in this zone.</u>	Historic Heritage
Subdivision	Natural hazards	Transport

Utilities and Renewable Energy	Hazardous Substances	Protected Trees
Indigenous Vegetation	Wilding Exotic trees	Temporary Activities and Relocatable Buildings, except as provided for in this zone.
Noise	Designations	Planning Maps

#### 44.3.2 Clarification

Where an activity does not comply with a Standard listed in the Standards table at 44.5 the activity status identified by the “Non Compliance Status” column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity

The following abbreviations are used within this Chapter:

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

#### 44.4 Rules – Activities

	Activities – The Hills Resort Zone	Activity Status	Comments
44.4.1	Any outdoor art installations not visible from McDonnell Road, Lake Hayes- Arrowtown Road, Hogans Gully Road – including those that are defined as a <i>Building</i> because of their size.	P	
44.4.2	Any <del>rural</del> <b>Farming and Domestic Livestock</b> activities	P	<ul style="list-style-type: none"> <li>• Rule 44.4.2 rural activity' is not defined. Consider the PDP definition of farming activity. This has been amended as Mr Langman's comment, however given the definition of farming is fairly narrow it is necessary to also include reference to domestic livestock (noting horses are kept on site as pets, which strictly speaking are not 'farming' activities).</li> </ul>
44.4.3	Any Earthworks associated with the development of the golf courses, landscaping, water storage and reticulation for irrigation, the formation of internal roads, <u>trails</u> and access ways, or subdivision and development of home sites or activity areas, including the Clubhouse and Resort Services and Staff Accommodation areas.	P	<ul style="list-style-type: none"> <li>• Rule 44.4.3 Earthworks are provided for in Chapter 25. The rule permits a wide range of earthworks without any limits or qualification, and there is no indication how this is intended to work with the provisions in Chapter 25. The submitters evidence, proposed rules and structure plan does not sufficiently the effects of future activities to the extent that there is confidence in this rule. It is noted that the suggested threshold for Millbrook in Chapter 25 is 300m<sup>3</sup>. There are no objectives or policies that would justify that this rule is the most appropriate.</li> <li>• Chapter 25 Earthworks has not yet been heard and its provisions are unsettled. It is therefore appropriate that provision for earthworks is made within the HRZ chapter.</li> <li>• <b>A new rule for earthworks rule is proposed (See 44.4.xx), along with associated standards (TBC). This new rule will need to be consolidated with 44.4.3. Mr Brown will</b></li> </ul>

			<p>address this-</p> <ul style="list-style-type: none"> <li>Earthworks volumes are addressed in Table 44.5</li> </ul>
<p><b>44.4.4</b></p>	<p><b>Structure Plan – Permitted Activities</b></p> <p><b>44.4.4.1</b></p> <p>In all activity areas as shown on the Structure Plan:</p> <p>Development, operation, <u>use</u> and maintenance of golf courses, including associated green keeping, driving ranges, <del>administrative offices, sales and</del> commercial instruction, and sheds for utilities, service and accessory buildings, or buildings associated <del>with golf course management</del>, operation and maintenance of up to 50m<sup>2</sup> in gross floor area.</p> <ul style="list-style-type: none"> <li>Access ways as shown on the Structure plan (+/- 30m)</li> <li><u>Commercial Recreation</u></li> <li><u>Open space and farming activities including ancillary buildings</u></li> <li><u>Art installations</u></li> <li><u>Art and Sculpture tours</u></li> <li><u>Temporary events</u></li> <li><u>Licensed Premises in association with temporary events</u></li> </ul>	<p>P</p>	<ul style="list-style-type: none"> <li>Rule 44.4.4.1 may enable a proliferation of 50m<sup>2</sup> buildings. The Structure plan should provide sufficient certainty for all buildings, except very small buildings such as utility / pump housings.</li> <li>The “use” of the golf course is encapsulated in its “operation” but to ensure clarity of the rule, the word “use” has also been added.</li> </ul> <p>The rule has been amended to clarify that only small utility type buildings are permitted by the rule. It is not considered any other amendments to the rule are required as the risk of a proliferation of buildings as suggested by Mr Langman is fanciful as they would serve no purpose and would compromise the operation of the golf course.</p>



**44.4.4.2**

In Activity Areas A1 – A9 (Visitor accommodation / Residential) as shown on the Structure Plan:

- Residential activities,
- Managed apartments, timeshares, lodges, residential Visitor Accommodation (up to 365 nights per year with unlimited number of short- stay leases)
- Commercial Recreation Activities
- Metalwork and industrial activities for the purpose of creating art and sculpture in Activity Area A9
- Licensed premises
  - i. To any person who is residing (permanently or temporarily) in the Zone;
  - ii. Mini bars within Homestays and Residential Visitor Accommodation in the resort.

- Rule 44.4.4.2 should be refined to be consistent with the phrasing and defined terms for visitor accommodation in the PDP. i.e. 'managed apartments' are residential visitor accommodation. Disagree. The proposed terms are appropriate so as to ensure that VA within the Zone is not otherwise caught by the limits proposed by the VA Variation for elsewhere in the Basin. It is also noted that the definitions for VA are unsettled (they will be heard as part of Hearing Stream 15) and are likely to change so their use is the HRZ would create uncertainty. In any case, the types of VA listed in this rule are consistent with the terminology used in the VA variation.

<p><b>44.4.4.3</b></p> <p>In-Activity Area G (Golf Course, Open Space and Farming Activity Area) as shown on the Structure Plan:</p> <ul style="list-style-type: none"> <li>■ <a href="#">Commercial Recreation</a></li> <li>■ Open space and farming activities including ancillary buildings</li> <li>■ Art installations</li> <li>■ Art and Sculpture tours</li> <li>■ Temporary events</li> <li>■ Licensed Premises in association with temporary events</li> </ul>		<ul style="list-style-type: none"> <li>• Rule 44.4.4.3: Question whether permitted status for ancillary buildings is appropriate. There is no apparent limit as to scale.</li> <li>• The activities provided for in Activity Area G have been relocated to and provided for in 44.4.4.1 so that if not all activity areas are developed, or before they are all developed, the underlying land can continue to be used for golf, sculpture, and temporary events such as the NZ Open.</li> </ul> <p>The provision made for ancillary buildings has been amended to address concerns as numbers and to scale.</p>
<p><b>44.4.4.4</b></p> <p>In Activity Area C (Clubhouse Activity Area) as shown on the Structure Plan:</p> <ul style="list-style-type: none"> <li>■ Golf Club houses, restaurants, bars, beauty spas, gymnasiums, theatres, pools and conference facilities, including ancillary office and administration activities</li> <li>■ Licensed premises <ul style="list-style-type: none"> <li>i. To any person who is residing (permanently or temporarily) on the resort;</li> <li>ii. To any person who is present on the premises for the purposes of dining up to 12am;</li> </ul> </li> <li>■ Commercial recreation activities</li> <li>■ The takeoff and landing of helicopters.</li> </ul>		<ul style="list-style-type: none"> <li>• Rule 44.4.4.4 permits a range of commercial activities within AA C. AA C is estimated to be 1.053ha in area. This area is/is not consistent with facilities associated with resort zones. Refer to annotated structure plan. Disagree. The activities provided for in this activity area are of a nature associated with a resort zone. Car parking will also need to be provided for in the activity area as will a helipad, which will limit the area of the activity area that is useable for commercial activities <b>envisaged by the rule.</b></li> </ul>

<p><b>44.4.4.5</b></p> <p>In Activity Area HS (Home Sites HS2-HS6) as shown on the Structure Plan:</p> <ul style="list-style-type: none"> <li>■ <u>Single One Residential unit per home site</u> that can be used for <del>Managed Apartments, timeshares, Homestays</del>, Residential Visitor Accommodation (up to 365 nights per year with unlimited number of short-stay leases)</li> <li>■ <del>Lodges</del></li> </ul> <p>In Activity Area HS1 (Existing lodge) as shown on the Structure Plan:</p> <ul style="list-style-type: none"> <li>■ <u>Single One</u> residential unit that can be used for Residential, Homestay, Lodges or Residential Visitor Accommodation (up to 365 nights per year with unlimited number of short-stay lets) activities.</li> </ul> <p><u>In Activity Area Home sites 1-6 as shown on the Structure Plan</u></p> <ul style="list-style-type: none"> <li>■ Licensed premises: <ul style="list-style-type: none"> <li>i. To any person who is residing (permanently or temporarily) in the Zone;</li> <li>ii. Mini bars <del>within Homestays, Lodges and Residential Visitor Accommodation in the resort</del>:</li> </ul> </li> </ul>	<p>Rule 44.4.4.5, 'single residential units' is unclear. The definition of residential units includes residential flats up to 70m<sup>2</sup> or 150m<sup>2</sup>. If the intention to exclude these, it should be specified.</p> <ul style="list-style-type: none"> <li>• The intention is for one residential unit (which may include a flat as per the definition) per homesite to be enabled by this rule. The reference to managed apartments and timeshares has been deleted as these will not be established within the homesites.</li> <li>• The reference to Lodge has been removed for the Homesites (2-6). There is an existing lodge within Homesite 1, which the rule provides for.</li> </ul>
<p><b>44.4.4.6</b></p> <p>In Activity Area S (Resort Services and Staff Accommodation Activity Area) as shown on the Structure Plan:</p> <p>Servicing activities related to the development, operation and maintenance of the resort or ancillary to approved or permitted activities within the zone</p>	<ul style="list-style-type: none"> <li>• Rule 44.4.6 'S Activity Area' permits service and staff accommodation activities within an estimated 7,393m<sup>2</sup> area. Yes, but this is considered appropriate, as the existing maintenance shed is quite large to accommodate the existing resort development, parking and manoeuvring of large vehicles (e.g. tractors). The provision of staff accommodation in this area would require the provision of parking and outdoor living spaces, with a degree of separation from the service activities. There is also a limit of 11 residential units in this activity area. Overall the development enabled in</li> </ul>

the activity area is considered appropriate.

	Activities – The Hills Resort Zone	Activity Status	
	<ul style="list-style-type: none"> <li>▪ Staff accommodation for employees of the resort and their families</li> </ul>		
<p><b>44.4.5</b></p>	<p><b>Landscape Amenity Landscape Area (LAMA)</b></p> <p>The establishment of LAMA identified on the Structure Plan. The exercise of the Council’s control is limited to:</p> <ol style="list-style-type: none"> <li>(i) <u>Whether any existing vegetation within the LAMA provides adequate mitigation of and visual relief from buildings and development in the adjacent Activity Area or for any neighbouring properties.</u></li> <li>(ii) <u>The size, volume and batter of any earthworks required</u></li> <li>(iii) <u>The mix and location of vegetation and its size at planting and maturity</u></li> <li>(iv) <u>Requirements to ensure that the landscaping is provided for in perpetuity and replaced when diseased or damaged</u></li> <li>(v) <u>Irrigation methods, including any reticulation</u></li> <li>(vi) <u>The extent to which the earthworks are congruous with the landscape</u></li> <li>(vii) <u>The extent to which the LAMA will provide mitigation of and visual relief from buildings and development in the adjacent Activity Area or for any neighbouring properties.</u></li> </ol>	C	<ul style="list-style-type: none"> <li>• Rule 44.4.5: Query the extent to which the Council should be concerned with matters of control about irrigation and reticulation. Also question the Controlled activity status and heavy reliance placed on the ‘LAMA’ to mitigate effects. More appropriate activity status could be restricted discretionary. Disagree. Irrigation and reticulation will be necessary to ensure the landscaping is successful. LAMA are proposed as a tool to mitigate visual effects and it is therefore appropriate that they are to be enabled by way of controlled activity status. RD activity status is neither appropriate nor justified.</li> </ul>

<p><b>44.4.6</b></p>	<p><b>Buildings</b> in Activity Areas <u>A1, A2, A3, A4, A5, A7, A8, A9, HS 5 and S</u> where the adjacent LAMA has been established, and buildings in Activity Areas <u>A1, A6, C and HS 1, HS 2, HS 3, HS 4 and HS 6</u>, except those provided for under Rule 44.4.1.</p> <p>The exercise of the Council’s is control limited to:</p> <ul style="list-style-type: none"> <li>(i) Infrastructure provision</li> <li>(ii) <u>Access</u></li> <li>(iii) <u>Firefighting supplies – if not addressed during subdivision.</u></li> <li>(iv) <u>The appearance of the building</u></li> <li>(v) <u>Effects on visual and landscape amenity of the area including coherence with the surrounding buildings.</u></li> <li>(vi) <u>Within Homesites identified on the Structure Plan, bulk and location of buildings.</u></li> </ul> <p>For the purpose of this rule “will be established” means that planting and any earthworks will be approved and undertaken prior to, or at the same time as construction of the building.</p>	<p>C</p>	<ul style="list-style-type: none"> <li>• Rule 44.4.6: Controlled activity status with control restricted to access and servicing is either highly inefficient, and can be a permitted activity subject to standards, or excludes important matters to mitigate the effects of development, and in which case should be restricted discretionary. Disagree. Buildings should be provided for as a controlled activity rather than restricted discretionary, given the robust visual and landscapes assessment that has informed the HRZ structure plan. Buildings are controlled activities in other, more visible and densely developed resort zones (eg Millbrook)</li> <li>• Additional matters of control have been added to the rule. These matters have been informed by those that apply in Millbrook and Jacks Point.</li> <li>• <del>A bulk and location assessment matter has been added to the Homesites to address Ms Gilbert’s concern in respect of the size of the building platforms.</del></li> <li>• Newly proposed assessment matter (iv) has been deleted as the matter of bulk and location of building within the home sites is addressed by a new maximum site coverage standard (refer ‘44.5 Standards’ below).</li> </ul>
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44.4.7

Temporary events, including golf tournaments and concerts, provided that:

- a. The event does not exceed 14 consecutive calendar days (excluding set up and pack down)
- b. The event does not operate outside the hours of 0600 to 2200. Set up and pack down outside of these hours is permitted, provided it complies with the noise limits for the Zone.
- c. There shall be no more than ~~10~~ 4 temporary events per calendar year
- d. All structures and equipment is removed from the zone within 10 working days of the completion of the event
- e. For the purpose of this rule the relevant noise standards for the Zone shall not apply within the hours of 6am to 10pm
- f. A Traffic Management Plan is provided that details how traffic effects are to be managed
- g. An Operations Plan is provided that details how the event is to be managed
- h. Adequate sanitation for event attendees is provided
- i. Waste minimisation measures are implemented The exercise of the Council's control is limited to:
  - (i) Traffic effects and the measures promoted in the Traffic Management Plan to manage these effects
  - (ii) Waste minimisation and management measures
  - (iii) Adequate sanitation for event attendees
  - (iv) Operations Plan for the event to manage effects

- These provisions need to be compared with the PDP Chapter 35 Temporary Activities and relocated buildings, which provides for these as a permitted activity (Rule 35.4.4) but with limitations such as not more than 3 events per year. Query whether up to 140 days worth of temporary events should be provided for as a controlled activity that cannot be declined. The temporary activities rules (Chapter 35 of the PDP) have applied to date to the hosting of the NZ Open and have proved to be an expensive and inefficient part of the hosting of the event. The limitations in Rule 35.4.4 do not provide long enough for the set up and pack down of an event the scale of the NZ Open.
- The proposed rule has been amended so as to provide for only 4 events. The golf course manager has confirmed that provision for 4 events annually is sufficient.

	Activities – The Hills Resort Zone	Activity Status	
44.4.8	<p>Any outdoor art installations visible from McDonnell Road, Lake Hayes- Arrowtown Road, and Hogans Gully Road— including those that are defined as a <i>Building</i> because of their size.</p> <p>The exercise of the Council’s discretion is limited to:</p> <ul style="list-style-type: none"> <li>(i) Siting of the art installation</li> <li>(ii) Colours and materials</li> <li>(iii) Traffic safety</li> </ul>	RD	<ul style="list-style-type: none"> <li>• Rule 44.4.8 provides a reasonable degree of certainty.</li> </ul>
44.4.9	<p><b>Buildings where adjacent LAMA is not established</b> - Where a building is proposed in Activity Area <u>A1, A2, A3, A4, A5, A7, A8, A9, S and HS5</u> and the adjacent LAMA shown on the Structure Plan has not been established.</p> <p><del>For the purpose of this rule “will be established” means that planting and any earthworks will be approved and undertaken prior to, or at the same time as construction of the building”-</del></p> <p><del>The exercise of the Council’s discretion is limited to:</del></p> <p><del>The visual effects of buildings from viewpoints outside of the Zone</del></p> <p><del>Landscaping (existing or proposed) to mitigate the effects of the buildings</del></p> <p><del>For the purpose of this rule “established” means:</del></p> <ul style="list-style-type: none"> <li>• <u>when the works required for the LAMA, as consented under Rule</u></li> </ul>	RD <u>NC</u>	



	<p><u>44.4.5 and including any necessary planting, irrigation installation, the installation of stock and pest fencing, and any earthworks:</u></p> <ul style="list-style-type: none"> <li>o <u>are physically completed; and</u></li> <li>o <u>have been audited by the Council no sooner than 6 months following physical completion; and</u></li> <li>o <u>have been certified as being complete by the Council.</u></li> </ul>		
<b>44.4.10</b>	<b>Buildings</b> in Activity Area G (Golf Course, Open Space and Farming Activity Area) except for those provided for by Rule 44.4.4.1	D	NC
<b>44.4.11</b>	<p><b>Residential activity</b> in Activity Area S (Resort Services and Staff Accommodation Activity Area) and Activity Area G (Golf Course, Open Space and Farming Activity Area), except for:</p> <ul style="list-style-type: none"> <li>■ Staff accommodation as provided for by Rule 44.4.4.6</li> </ul>	D	<ul style="list-style-type: none"> <li>• Rule 44.4.11 needs to reconcile the differences between residential activity and staff accommodation. <b>Disagree, it is not considered there is any ambiguity in the proposed HRZ rules.</b></li> </ul>
<b>44.4.12</b>	<b>Commercial Activities</b> except for those provided for by Rule 44.4.4.1	D	<ul style="list-style-type: none"> <li>• Rule 44.4.12 provides for commercial activities throughout the Zone as discretionary activities. While this is the same as PDP Chapter 24 and Chapter 21 (the latter, decisions version), the certainty offered by the structure plan for the zone should not provide for activities generally at all unless they are provided for in the structure plan. <b>Deleted so as to avoid any inconsistency with 44.4.16, which prevails.</b></li> </ul>
<b>44.4.13</b>	<b>Commercial Recreation Activities</b> , except for those provided for by Rule 44.4.4.1 and 44.4.4.4	D	
<b>44.4.14</b>	<b>Mining</b>	NC	Rules 44.4.13, 14, 15, 16, 17 are generally the same as Chapter 24.
<b>44.4.15</b>	<b>Service Activities</b> , except for those provided for by Rule 44.4.4	NC	

44.4.16	Any other activity in an activity area not provided for by any rule	NC	
44.4.17	Industrial Activities; except for those provided for by Rule 44.4.4.	NC	
44.4.18	Panelbeating, spray painting, motor vehicle repair or dismantling except for activities directly related to other approved or permitted activities within the Zone and located within the Resort Services Activity Area.	PR	
44.4.19	Forestry Activities	PR	
44.4.20	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR	Rule 44.4.20: there is no evidence that references to supermarkets are appropriate. Agree. This reference has been removed.

44.4.21	Factory Farming	PR	
44.4.22	Earthworks Maximum Volumes Residential activities areas → 500m <sup>3</sup> Homesites → 1000m <sup>3</sup> Activity Area G → no maximum The maximum volume of earthworks shall be calculated per site, within one consecutive 12 month period.	P	A new earthworks rule is proposed. The maximum volumes are derived from the Jacks Point zone rules. The greater volume for the homesites is considered appropriate to allow for the embedding in the landscape of buildings in these areas. For the avoidance of doubt the rule will be relocated alongside the other permitted activity HRZ rules. Mr Brown will address this. It is more appropriate that maximum volumes for earthworks are expressed as a Standard. The rule has therefore been relocated to Table 44.5.
44.4.23	Earthworks which do not comply with the maximum volume in Rule XX	RD	Matters of discretion will be added, and will be derived from those contained in notified Chapter 25.

44.5 Standards – The Hills Resort Zone

	Standards – The Hills Resort Zone	Non-compliance status	
<p><b>44.5-1</b></p> <p><b>Setbacks</b></p> <p>No building or structure shall be located closer than 6m to the Zone boundary, and in addition:</p> <p>No building shall be located closer than 10m from McDennell Road or the Arrowtown Lake Hayes Road</p>		RD	
<p><b>44.5-2</b></p> <p><b>Building Materials and Colours</b></p> <p>To ensure that they are visually recessive within the surrounding landscape all new, relocated, altered, re-clad or repainted buildings, including any structure larger than 5m<sup>2</sup>, are subject to the following:</p> <p>Exterior of buildings:</p> <p><b>44.5-1.1</b> All exterior surfaces materials (excluding windows) shall be coloured in the range of black, browns, greens or greys;</p>		RD	<ul style="list-style-type: none"> <li>Rule 44.5.2, compare to Chapters 21-24 of the PDP and justify what 'vertical surfaces' are. No justification is provided as to why higher LRV values are justified. It is considered that proposed standards can be readily understood and it is noted they have been drafted by an architect (Ms Chin).</li> </ul> <p>This Standard has been deleted because it is superfluous given the new matters of discretion added under Rule 44.4.6, matters iv and v in particular.</p>

	<p><del>44.5.1.2</del> <del>Pre-painted steel, and all</del> <u>All roofs and vertical surfaces shall have a light reflective value of not greater than 35%-20%</u></p> <p><del>44.5.1.3</del> <del>Surface</del> <u>Vertical surface finishes shall have a reflective value not greater than 30%</u></p> <p><del>44.5.1.3</del> <del>Natural materials such as locally sourced schist and unstained cedar may be used</del></p> <p><del>Discretion is restricted to all of the following:</del></p> <p><del>(i) Whether the building will be visually prominent, especially in the context of the wider landscape and as viewed from neighbouring properties</del></p> <p><del>(ii) Whether the proposed colour and/or material is appropriate given the existence of established or proposed screening or in the case of alterations, if the proposed colour and/or material is already present on an established building</del></p> <p><del>(iii) The size and height of the building where the proposed colours and/or materials would be used</del></p>	NC	
<p><b>44.5.3</b></p>	<p><b>Residential Density</b></p> <p>The maximum number of residential units including Visitor Accommodation units shall be 150 in the Zone.</p>	NC	<ul style="list-style-type: none"> <li>• Rule 44.5.3 only addresses Residential Units. Visitor accommodation would appear to be unlimited. This compares to Hogan's Gully Zone where the density rules apply to both visitor accommodation and residential units. Agree, amended for clarity.</li> </ul>

<p><b>44.5.4</b></p>	<p><b>Building Maximum Height and Roof Pitch</b></p> <p>No building shall protrude through the RL nor be higher than the height listed below:</p> <ul style="list-style-type: none"> <li>- Activity Area A1 RL418.5 masl —8m</li> <li>- Activity Area A2 RL416 masl —8m</li> <li>- Activity Area A3 RL421 masl —8m</li> <li>- Activity Area A4 RL418 masl —8m</li> <li>- Activity Area A5 RL419.5 masl —8m</li> <li>- Activity Area A6 RL419.5 masl —8m</li> <li>- Activity Area A7 RL414 masl —8m</li> <li>- Activity Area A8 RL402.5 masl —6.7m</li> <li>- Activity Area A9 RL417.5 masl —8m</li> <li>- Activity Area HS1 RL419 masl —8m</li> <li>- Activity Area HS2 RL421.5 masl —8m</li> <li>- Activity Area HS3 RL408 masl —8m</li> <li>- Activity Area HS4 RL374.5 masl —8m</li> <li>- Activity Area HS5 RL370 masl —8m</li> <li>- Activity Area HS6 RL 4.3.7.5 masl —5.5m</li> </ul>	<p>NC</p>	<ul style="list-style-type: none"> <li>• Rule 44.5.4: A datum or use of existing GL may be more appropriate. In addition, these heights are not specified on the structure plan so the RL could be difficult for future administration. <ul style="list-style-type: none"> <li>• Datum (masl) are as follows: <ul style="list-style-type: none"> <li>• A1 410.5</li> <li>• A2 408</li> <li>• A3 413</li> <li>• A4 410</li> <li>• A5 411.5</li> <li>• A6 411.5</li> <li>• A7 406</li> <li>• A8 495.8</li> <li>• A9 409.5</li> <li>• AS 400.5</li> <li>• AC 417</li> <li>• HS1 411</li> <li>• HS2 413.5</li> <li>• HS3 400</li> <li>• HS4 366.5</li> <li>• HS5 362</li> <li>• HS6 432m</li> </ul> </li> <li>• It is intended to amend this standard to include the datum levels, however confirmation of the correct levels is required first. This will be addressed by</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>- Filming towers 12m</li> <li>- Activity Area C (Clubhouse Activity Area) RL 425.0 masl – 8m</li> <li>- Activity Area S (Resort Services and Staff Accommodation Activity Area) 408.5 masl – 8m</li> <li>- All other buildings and structures (except in Activity Areas A1-A9) 5.5m <u>from existing ground level</u></li> <li>- Any building in Activity Areas A4 and A5 with a height limit above 6m shall have a roof pitch of a minimum of 30 degrees</li> </ul> <p>All marquees and structures permitted as Temporary Events are exempt from these height restrictions.</p>	<p>Mr Brown at the hearing next week</p> <ul style="list-style-type: none"> <li>• Following discussions with Mr Tyler, it is considered that adding datum levels to the rule will not assist with its interpretation and application. It is also considered that including building height limits, (expressed in metres) is of little assistance and may cause confusion, as it is unclear from where they are to be measured. It is most straight forward to include the masl, which is a contour above which buildings must not protrude. The masl stated in the Standard is the basis upon which the landscape assessment and masterplan have been prepared. All buildings will be designed by architects (as per the requirements contained in the design guidelines) so the application of the masl will not be problematic.</li> </ul>
<p>44.5.6</p>	<p>Maximum Site Coverage – Activity Areas A4 and A5</p> <p>Maximum Site Coverage – 40%</p> <p>For the purpose of this rule the total areas of the Activity Areas are: AA4: Total area – 2.2ha AA5: Total area – 1.2ha</p> <p>No other Activity Areas or Home Sites have a maximum site coverage.</p>	<p>D</p> <ul style="list-style-type: none"> <li>• Significant concern that regarding the impact on internal amenity if there are no maximum site coverage rules. Disagree. Site coverage control are not necessary given over 96% of the Zone will remain as open space. For the homesites a matter of control has been added which enables the council to assess bulk and location. Standard limited site coverage to 25% has been added. In addition, the building design guidelines address this issue.</li> </ul>

<p><b>44.5.X</b></p>	<p><u>Maximum Site Coverage – Homesites</u>  <u>Homesite 1 – Maximum homesite coverage of 35%</u>  <u>Homesite – 2-6 Maximum homesite coverage of 25%</u>  <u>Discretion will be limited to:</u>  a. <u>the external appearance of buildings with respect to the effect on visual and landscape values of the area;</u>  b. <u>associated earthworks and landscaping;</u>  c. <u>bulk and location.</u></p>	<p><u>RD</u></p>	<p>A new Restricted Discretionary Rule has been added to ensure that site coverage does not extend to the full area of the home sites.  It is noted that Homesite 1 contains the existing Lodge which is around 950m2, while Homesites 2 and 3 each contain Hill family dwellings at around 600m2.  By way of comparison, The Preserve sites at Jacks Point have a building coverage limit of 1000m2, with buildings larger than this requiring restricted discretionary consent (Rule 41.5.4.3)</p>
<p><b>44.5.XX</b></p>	<p><u>Earthworks Maximum Volumes:</u>  <u>Residential activities areas – 500m3</u>  <u>Homesites – 1000m3</u>  <u>Activity Area G – no maximum</u>  <u>Note: The maximum volume of earthworks shall be calculated per site, within one consecutive 12 month period.</u>  <u>Discretion will be limited to:</u>  a. <u>Soil erosion, generation and run-off of sediment.</u>  b. <u>Landscape and visual amenity.</u>  c. <u>Effects on infrastructure, adjacent sites and public roads.</u>  d. <u>Land stability.</u>  e. <u>Effects on water bodies, ecosystem services and indigenous biodiversity.</u>  f. <u>Cultural and archaeological sites.</u>  g. <u>Nuisance effects.</u>  h. <u>Natural Hazards.</u>  i. <u>Functional aspects and positive effects.</u></p>	<p><u>RD</u></p>	<p>The maximum volumes are derived from the Jacks Point zone rules. The greater volume for the homesites is considered appropriate to allow for the embedding in the landscape of buildings in these areas.  Given Chapter 25 does not explicitly provide for earthworks in this zone (as the HRZ was not contemplated when proposed Chapter 25 was drafted) it is appropriate to contain volumes and subsequent matters of discretion in the HRZ. Matters of discretion to ensure appropriate mitigation measures where volumes are breached are employed are informed by those contained in proposed Chapter 25.</p>

<p><b>44.5.7</b></p>	<p><b>Glare</b></p> <p>44.5.4.1 All fixed lighting shall be directed away from adjacent roads and properties with low light spill to areas located outside of the Zone.</p> <p>44.5.4.2 Any building or fence that will be highly visible from a public road that is constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish.</p> <p>44.5.4.3 <u>No light shall spill over any property outside the Zone.</u></p> <p>44.5.4.4 No activity shall result in a greater than 3.0 lux spill, (horizontal and vertical), of light onto any property located outside of the Zone, as measured at any point inside the boundary of the adjoining property.</p> <p>44.5.4.5 <u>There shall be no upward light spill</u></p>	<ul style="list-style-type: none"> <li>• Rule 44.5.4.2 (Note numbering reference error) is subjective in that it requires only buildings that a highly visible be subject to the rule.</li> <li>• Numbering reference error will be corrected as per Council's comment.</li> <li>• 44.5.4.3 has been separated as new standard so as to apply throughout the Zone</li> <li>• New 44.5.4.5 has been added to address Commissioner Nugent's question to Yvonne Pifuger regarding downlighting. The proposed standard is consistent with proposed rule 24.5.13</li> </ul>
<p><b>44.5.8</b></p>	<p><b>Retail Sales</b></p> <p>Goods or services displayed, sold or offered for sale within the Zone shall be limited to:</p> <ul style="list-style-type: none"> <li>a. Goods grown, reared or produced within the Zone;</li> <li>b. Delicatessen style or convenience retail for temporary or</li> </ul>	<p>NC</p> <ul style="list-style-type: none"> <li>• Rule 44.5.8 (b) would enable a supermarket. Convenience retail is considered too broad. In addition these activities require a maximum foot print and to be undertaken within identified areas for the benefits of the structure plan to be meaningful. A definition of convenience retail has been added to clarify that supermarkets are not provided for. The definition is taken from the Operative District Plan. The HRZ rules are drafted such that convenience retails can only be undertaken within Activity Area C or in conjunction with a temporary event.</li> </ul>



	<p>permanent residents, or visitors to the resort</p> <p>c. Within Activity Area C (Clubhouse Activity Area), in addition to a and b above, goods and services associated with, and ancillary to the permitted or approved activities</p> <p>d. Retail associated with a Temporary Activity (event) taking place.</p> <p><u>Note: For the purposes of this rule convenience retail means a subset of retail involving a dairy, grocery store or newsagent and lunch bars, or cafe/ and restaurants where the gross floor area does not exceed 200m2 GFA. This is a definition in the operative plan.</u></p>		
<p><b>44.5.9</b></p>	<p><b>Fire-Fighting</b></p> <p>A firefighting reserve of water shall be maintained. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	<p>NC</p>	<p>Rule 44.5.9 applies to the zone, each activity thereafter will need to ensure compliance with firefighting as it applies to the zone. Clarification may be required if it is intended that the initial development will provide firefighting for all activities. Reliance on the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008 to achieve permitted activity is discouraged because the document does not provide enough certainty. Compliance is better achieved through the matters of discretion or control for each activity. Happy to receive recommended wording from the Council's planning witness</p> <p>This Standard has been removed, with the matter to be dealt with at subdivision stage, or via controlled activity status for buildings if subdivision has not taken place.</p>

<p><b>44.5.10</b></p>	<p><b>Take off and Landing of Helicopters</b></p> <p>Noise from helicopter operations shall not exceed 50 dB <math>L_{dn}</math> at the notional boundary of any dwelling, The day night average noise level (<math>L_{dn}</math>) shall be averaged over any consecutive seven day period and shall not exceed 53 dB <math>L_{dn}</math> on any one day.</p> <p>Assessment should be undertaken in accordance with NZS 6807: 1994 "Noise Management and Land Use Planning for Helicopter Landing Areas"</p>	<p>NC</p>	<ul style="list-style-type: none"> <li>• Rule 44.5.10 Would the permitting of helicopter take-off and landings otherwise maintain amenity. The rule would be cumbersome to monitor to determine compliance. Given that there is no limit of helicopter movements, it is difficult to identify how noise has been, or would be, modelled to ensure compliance. Mr Peakall has addressed this in evidence. The rule is considered appropriate and accords with how noise is addressed in Chapter 36 of the PDP.</li> </ul>
<p><b>44.5.11</b></p>	<p><b>Provision of walkway / cycleway</b></p> <p>No more than 40 residential units in the Zone shall be <u>established</u> <u>constructed under Standard 44.5.12</u> prior to construction of walkway / cycleway trail in the general location shown on the Structure Plan.</p>	<p><u>NC</u></p>	<ul style="list-style-type: none"> <li>• Rule 44.5.11 'constructed' could be better defined, i.e. building consent code compliance certificate, or building consent approval, or relate back to land use rule (i.e. Rule 44.5.12). Noted that no benefits accrue until construction starts. No resource management reason set out for this.</li> <li>• Amendment made to include reference to standard 44.5.12, for clarity</li> </ul>
<p><b>44.5.12</b></p>	<p><b>Maximum number of residential units in Activity Areas:</b></p> <ul style="list-style-type: none"> <li>- <u>Activity Area A1 12</u></li> <li>- <u>Activity Area A2 12-13</u></li> <li>- <u>Activity Area A3 5-6</u></li> <li>- <u>Activity Area A4 30-29</u></li> <li>- <u>Activity Area A5 16</u></li> <li>- <u>Activity Area A6 12</u></li> </ul>	<p><u>NC</u></p>	<ul style="list-style-type: none"> <li>• Rule 44.5.12 permits 148 residential units. Rule 44.5.3 permits 150. If there are two existing buildings within the zone they should be included in this standard.</li> <li>• Amendments have been made due to the rounding error.</li> </ul>

	<ul style="list-style-type: none"> <li>- <u>Activity Area A7 6-7</u></li> <li>- <u>Activity Area A8 2</u></li> <li>- <u>Activity Area A9 36</u></li> <li>- <u>Activity Area HS1 1</u></li> <li>- <u>Activity Area HS2 1</u></li> <li>- <u>Activity Area HS3 1</u></li> <li>- <u>Activity Area HS4 1</u></li> <li>- <u>Activity Area HS5 1</u></li> <li>- <u>Activity Area HS6 1</u></li> <li>- <u>Service Area 11</u></li> </ul>		
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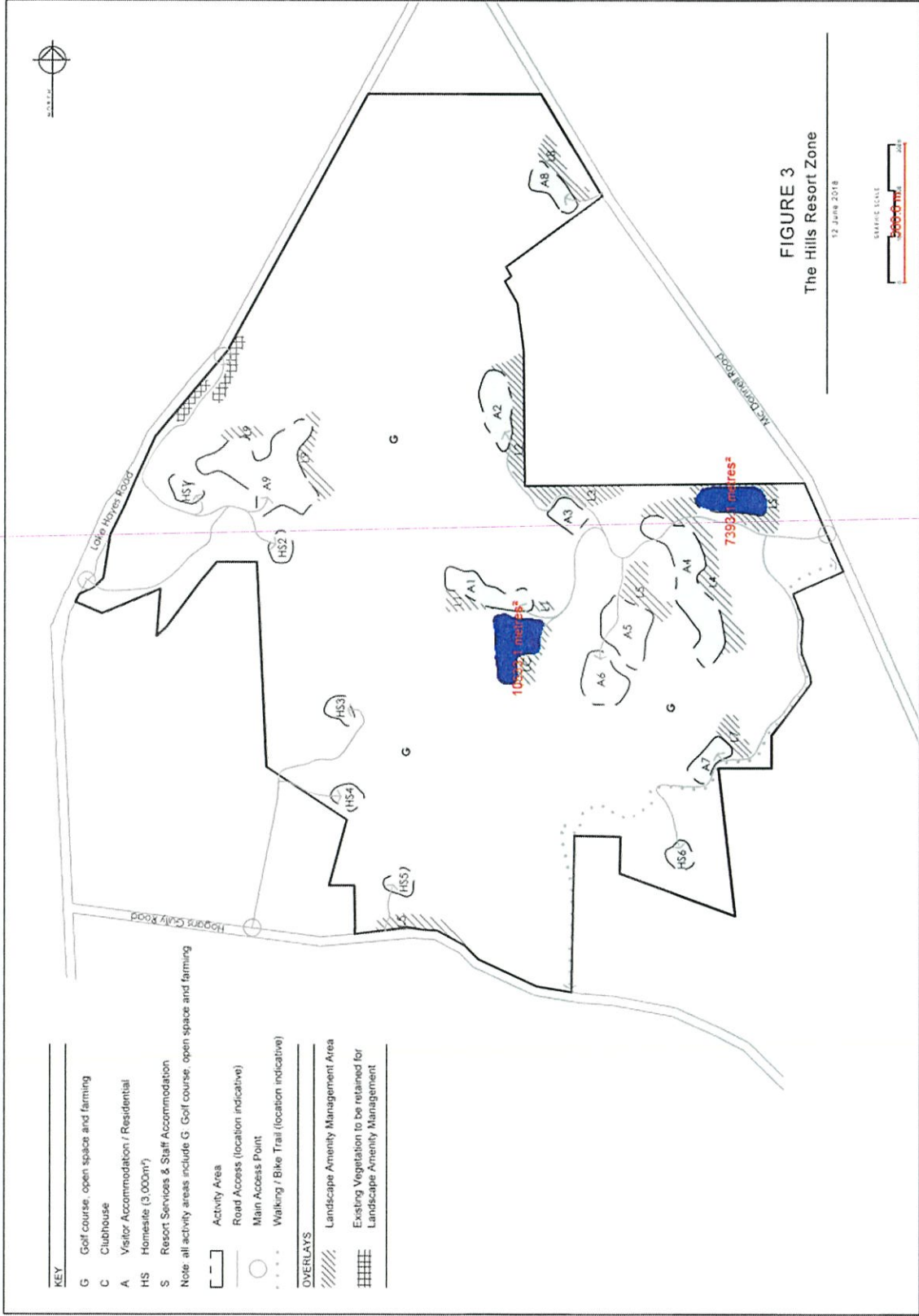
**44.6 Non-Notification of Applications**

**44.6.1** Except as provided for by the Act, all applications for controlled activities and restricted discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.

**THE HILLS RESORT ZONE 44**

**4.7 Hills Resort Zone Structure Plan**

**DRAFT**



**THE HILLS RESORT ZONE 44**

Make the following consequential amendments to other parts of the Proposed and Operative District Plans:

**Chapter 36 – Noise**

Add: The Hills Resort Zone” to Rule 36.5.3 so it reads as follows:

Table 2	General Standards	Assessment Location	Time	Noise Limits	Non Compliance Status
36.5.3	Activity or Sounds Source	Any point within the Residences/Residential Activity Areas	0800h to 2000h	50 dB L Aeq (15 min)	NC
	Millbrook Resort Zone		2000h to 0800h	40 DB L Aeq (15 min)	
	Jacks Point Resort Zone			75 dB L AFmax	
	(see also 36.5.17)				
	<u>The Hills Resort Zone</u>				

## Chapter 27 – Subdivision

Amend Chapter 27 to provide for subdivision as a Controlled Activity in The Hills Resort Zone, as follows:

### 4.4 (new) The following shall be controlled activities:

- a. Subdivision in the development areas in the Hills Resort Zone Structure Plan. Control is limited to the following:
  - (a) Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;
  - (b) Property access and roading;
  - (c) Natural hazards;
  - (d) Fire fighting water supply;
  - (e) Water supply;
  - (f) Stormwater disposal;
  - (g) Sewage treatment and disposal;
  - (h) Energy supply and telecommunications;
  - (i) Easements.
  - (j) The effects of the additional traffic on the safety of the Arrowtown Lakes Hayes/McDonnell/Malaghans Road intersection.

There does not appear to be any link between the provisions setting out the maximum number of dwellings in or the structure plan in each of the Activity Areas as set out in Rule 44.5.12, and the subdivision rules. I consider that RD is a more appropriate consent status, and that the matters of discretion widened to include considering the extent to which open space areas in the resort are protected by covenants in favour of the Council.

Disagree.

Subdivision should be a controlled activity.

Stage 1 Rule 27.7.1 provides that where there is a structure plan, subdivision is a controlled activity (eg Millbrook). This is also appropriate for HRZ.

New matter of control for traffic in accordance with Mr Penny's recommendations.

Consideration has been given to the inclusion of a rule or standard which requires a neighbourhood plan or a similar plan to be provided at the time of subdivision, however the view has been reached that all matters that could appropriately be addressed by such a plan are already dealt with by subdivision rule 44.4.4 (or elsewhere in the HRZ provisions) and are otherwise more appropriately dealt with at the time of land use consent and the design review process (i.e. via the building design guidelines).

While I am not averse to a requirement for a neighbourhood plan prior to development within an activity area, it is difficult to conceive of any suitable controls or a suitable process by which to require it.

**Add the following to Table 27.5.1**

Zone	Minimum Lot Area
...	
The Hills Resort Zone	No Minimum
...	

BOX88560 6423199.1

**THE HILLS RESORT ZONE 44**

BOX88560 6423199.1

**27.7 Zone – Location Specific Rules**

Add a new section in the Table as follows:

TRO9644 6849573.1



	Zone and Location Specific Rules	Activity Status
...	...	...
27.7.12	<p><u>The Hills Resort Zone</u></p> <p><u>27.7.12.1 Any subdivision of Activity Area G that will create a new residential site.</u></p>	NC

**27.13 Structure Plans**

Add a new section as follows:

**27.13.8 Structure Plan: The Hills Resort Zone**

[insert the new structure plan]